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Patent  
Attorney Docket No. 033364-280

7615

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILSTOP: REISSUE

FEB 06 2004

In re Patent Application of

Patrick L. AHL et al.

Application No.: 09/398,934

Filing Date: September 1, 1999

Title: REDUCTION OF LIPOSOME-INDUCED ADVERSE PHYSIOLOGICAL REACTIONS

Group Art Unit: 1615

Examiner: Gollamudi S. Kishore

Confirmation No.: 1677

TECH CENTER 1600/2900

## AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents

P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- A Petition for Extension of Time is also enclosed.
- Terminal Disclaimer(s) and the  \$55.00 (2814)  \$110.00 (1814) fee per Disclaimer due under 37 C.F.R. § 1.20(d) are also enclosed.
- Also enclosed is/are copies of papers filed September 29, 2003: Reply & Amendment, Reissue Application Declaration by the Assignee Pursuant to 37 C.F.R. 1.172, Consent of Assignee and Statement Under 37 C.F.R. 3.73(b).

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- Small entity status is hereby claimed.
- Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the  \$385.00 (2801)  \$770.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- Applicant(s) previously submitted \_\_\_\_\_

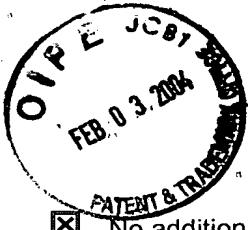
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on \_\_\_\_\_, for which continued examination is requested.

- Applicant(s) requests suspension of action by the Office until at least \_\_\_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.



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- No additional claim fee is required.
- An additional claim fee is required, and is calculated as shown below.

AMENDED CLAIMS				TECH CENTER 1600/2900	
	No. of Claims	Highest No. of Claims Previously Paid For	Extra Claims	Rate	Additional Fee
Total Claims		MINUS 20 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims		MINUS 3 =	0	x \$86.00 (1201) =	\$ 0.00
If Amendment adds multiple dependent claims, add \$290.00 (1203)					
Total Claim Amendment Fee					\$ 0.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Claim Amendment Fee					\$ 0.00
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					<b>\$ 0.00</b>

- A check in the amount of \_\_\_\_\_ is enclosed for the fee due.
- Charge \_\_\_\_\_ to Deposit Account No. 02-4800.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: February 3, 2004

By

*Jennifer Topmiller*  
Jennifer A. Topmiller, Ph.D.  
Registration No. 50,435



Patent  
Attorney's Docket No. 033364-280

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of ) MAILSTOP: REISSUE  
Patrick L. AHL et al. ) Group Art Unit: 1615  
Application No.: 09/398,934 ) Examiner: Gollamudi S. Kishore  
Filed: September 1, 1999 ) Confirmation No.: 1677  
For: REDUCTION OF LIPOSOME- )  
INDUCED ADVERSE )  
PHYSIOLOGICAL REACTIONS )

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In complete response to the Notice of Non-Compliant Amendment mailed, January 20, 2004, Applicants submit the following remarks.

The Notice indicated that the amendment does not comply with 37 C.F.R. § 1.121. However, the above-identified application is a **reissue application**. As indicated in 37 C.F.R. § 1.121(a), reissue applications are not subject to the amendment format rules specified in 37 C.F.R. § 1.121. Accordingly, Applicants respectfully submit that the Notice of Non-compliance was issued in error. A copy of Applicants' previous Reply & Amendment submitted in response to the *Ex parte Quayle* action is enclosed for the convenience of the Examiner.

On January 28, 2004, Applicants undersigned representative spoke with William Dixon of Group 1600 of the U.S. Patent & Trademark Office. Mr. Dixon acknowledged that the above-mentioned notice was likely sent in error and that a paper should be filed indicating as such.

In light of the foregoing, further and favorable consideration of the subject application in the form of a Notice of Allowance are respectfully requested and such action is earnestly solicited.

If there are any questions concerning this Response or the application in general, the Examiner is respectfully requested to telephone Applicants' undersigned representative so that prosecution may be expedited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: February 3, 2004

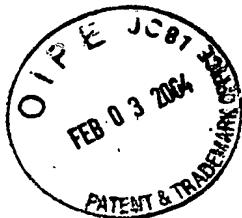
By:



Jennifer A. Topmiller, Ph.D.

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In re Patent Application of ) MAILSTOP: REISSUE  
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TECH CENTER 1600/2900

AMENDMENT/REPLY TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Enclosed is a reply for the above-identified patent application.

- A Petition for Extension of Time is also enclosed.
- A Terminal Disclaimer and the [ ] \$55.00 (2814) [ ] \$110.00 (1814) fee due under 37 C.F.R. § 1.20(d) are also enclosed.
- Also enclosed is/are Reissue Application Declaration by the Assignee Pursuant to 37 C.F.R. § 1.172, Consent of Assignee and Statement Under 37 C.F.R. § 3.73(b).
- Small entity status is hereby claimed.
- Applicant(s) requests continued examination under 37 C.F.R. § 1.114 and enclose the [ ] \$375.00 (2801) [ ] \$750.00 (1801) fee due under 37 C.F.R. § 1.17(e).
- Applicant(s) requests that any previously unentered after final amendments not be entered. Continued examination is requested based on the enclosed documents identified above.
- Applicant(s) previously submitted \_\_\_, on \_\_\_, for which continued examination is requested.

DOCKETED  
filed *02903-5* (05/03)

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TECH CENTER 1600/2900  
Amendment/Reply - Maxine L. Low  
Application No. 09/398,934  
Attorney's Docket No. 033364-280  
Page 2

- Applicant(s) requests suspension of action by the Office until at least \_\_\_, which does not exceed three months from the filing of this RCE, in accordance with 37 C.F.R. § 1.103(c). The required fee under 37 C.F.R. § 1.17(i) is enclosed.
- A Request for Entry and Consideration of Submission under 37 C.F.R. § 1.129(a) (1809/2809) is also enclosed.
- No additional claim fee is required.
- An additional claim fee is required, and is calculated as shown below:

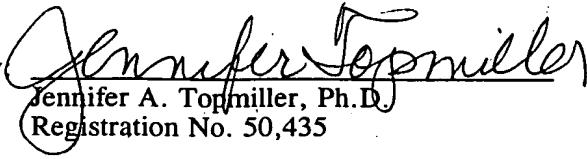
AMENDED CLAIMS					
	NO. OF CLAIMS	HIGHEST NO. OF CLAIMS PREVIOUSLY PAID FOR	EXTRA CLAIMS	RATE	ADD'L FEE
Total Claims		MINUS =		× \$18.00 (1202) =	
Independent Claims		MINUS =		× \$84.00 (1201) =	
If Amendment adds multiple dependent claims, add \$280.00 (1203)					
Total Claim Amendment Fee					
If small entity status is claimed, subtract 50% of Total Claim Amendment Fee					
<b>TOTAL ADDITIONAL CLAIM FEE DUE FOR THIS AMENDMENT</b>					

- A total fee in the amount of \$ \_\_\_\_\_ is enclosed.
- Charge \$ \_\_\_\_\_ to Deposit Account No. 02-4800.
- The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 29, 2003

By   
Jennifer A. Toppmiller, Ph.D.  
Registration No. 50,435

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